

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON**

**OHIO VALLEY ENVIRONMENTAL  
COALITION, INC., WEST VIRGINIA  
HIGHLANDS CONSERVANCY, INC.,  
COAL RIVER MOUNTAIN WATCH, INC.,  
and SIERRA CLUB,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 3:10-cv-00833**

**COAL-MAC, INC. and  
MINGO LOGAN COAL COMPANY,**

**Defendants.**

**COAL-MAC, INC. AND MINGO LOGAN COAL COMPANY'S CROSS-MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

For the reasons set forth in the accompanying Response to Plaintiffs' Second Motion for Partial Summary Judgment, Defendants Coal-Mac, Inc. and Mingo Logan Coal Company hereby Cross-Move this Court for summary judgment pursuant to Federal Rule of Civil Procedure 56. Included in support of this Cross-Motion are Exhibits 1 through 12.

Respectfully submitted,

COAL-MAC, INC.  
and MINGO LOGAN COAL COMPANY

By Counsel

/s/Robert G. McLusky

ROBERT G. McLUSKY, WVBN 2489  
DOUGLAS J. CROUSE, WVBN 11094  
MATTHEW S. TYREE, WVBN 11160  
JACKSON KELLY, PLLC  
500 Lee Street, East, Suite 1600  
P. O. Box 553  
Charleston, WV 25322-0553  
*Counsel for Coal-Mac, Inc. and  
Mingo Logan Coal Company*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON**

**OHIO VALLEY ENVIRONMENTAL  
COALITION, INC., WEST VIRGINIA  
HIGHLANDS CONSERVANCY, INC.,  
COAL RIVER MOUNTAIN WATCH, INC.,  
and SIERRA CLUB,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 3:10-cv-00833**

**COAL-MAC, INC. and  
MINGO LOGAN COAL COMPANY,**

**Defendants.**

**CERTIFICATE OF SERVICE**

I, Robert G. McLusky, do hereby certify that a true and exact copy of the foregoing **COAL-MAC, INC. AND MINGO LOGAN COAL COMPANY'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT** was caused to be served upon the following via CM/ECF this 29th day of October, 2010.

Derek O. Teaney  
Joseph M. Lovett  
Appalachian Center for the Economy and the  
Environment  
P.O. Box 507  
Lewisburg, WV 24901

*//s//Robert G. McLusky*